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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,337	VERMOLA ET AL.	
	Examiner	Art Unit	
	TANGELA T. CHAMBERS	4141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 December 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 December 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>December 15, 2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is in response to the preliminary amendment filed on 12/15/2005.
2. Claims 3-5, 8-9, 12-14, 17-18, 21-22, 25-26, 29, 31-32, 35-36 and 38-39 have been amended.
3. Claims 1-39 are pending.

Priority

4. If applicant desires to claim the benefit of a prior-filed application under 35 U.S.C. 119(e), a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Information Disclosure Statement

5. The IDS filed on December 15, 2005 has been acknowledged by the examiner. Only the abstract of reference JP 6268769 A was considered by the examiner as the remainder of the document is written in Japanese.

Claim Objections

6. Claim 35 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 33. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Drawings

7. The drawings are objected to under 37 CFR 1.83(a) because they fail to show ‘Figure 1a’ as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. **The disclosure is objected to because of the following informalities:**

The use of the trademarks MTVe and NetMusic have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent

applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Throughout the disclosure the word ‘containerisation’ should be replaced with the following spelling – containerization –.

Throughout the disclosure the word ‘digitised’ should be replaced with the following spelling – digitized –.

Throughout the disclosure the word ‘categorising’ should be replaced with the following spelling – categorizing –.

Throughout the disclosure the word ‘categorise’ should be replaced with the following spelling – categorize –.

Throughout the disclosure the word ‘categorised’ should be replaced with the following spelling – categorized –.

Page 1, line 4 recites the word ‘provided’ which appears to be a misspelling of the word ‘provide’.

Page 1, line 10 and Page 7, line 2 recite the word ‘hierarchically’ which appears to be a misspelling of the word ‘hierarchical’.

Page 2, line 7 contains the acronym ‘MPEG’. The first occurrence of the acronym should be spelled out with the acronym appearing in parenthesis.

Page 4, line 12 recites the word ‘enquiry’ which appears to be a misspelling of the word ‘inquiry’.

Page 5, line 16 recites the word ‘provides’ which appears to be a misspelling of the word ‘provide’.

Page 7, line 2 recites the word ‘arrange’ which appears to be a misspelling of the word ‘arranged’.

Page 7, line 25 the word ‘in’ following the word ‘within’ should be removed.

Page 16, line 31 the word ‘an’ should be changed to ‘a’.

Appropriate corrections are required.

Claim Objections – Minor Informalities

9. The claims are objected to because of the following informalities:

Claims 6-7 and 15-16 recite the word ‘enquiry’ which appears to be a misspelling of the word ‘inquiry’.

Claims 10 and 23 recite the limitation “the timing information”. There is insufficient antecedent basis for the limitation in the claims.

Claim 23 recites the limitation “the frequency”. There is insufficient antecedent basis for the limitation in the claims.

Claim 29 recites the word ‘categorising’ should be replaced with the following spelling – categorizing –. Also, claim 29 recites the limitation “the arranging step”. There is insufficient antecedent basis for the limitation in the claims.

Claims 30 and 37 recite the word ‘categorised’ should be replaced with the following spelling – categorized –.

Claim 33 recites the word ‘hierarchically’ which appears to be a misspelling of the word ‘hierarchical’.

Claim 35 recites the phrase ‘A mobile terminal as claimed in claim 33 wherein the means arranged to receive...’ which should be replaced with the following ‘A mobile terminal as claimed in claim 33 comprising means to receive...’.

Claim 36 recites the word ‘categorise’ should be replaced with the following spelling – categorize –.

Claim 38 recites the word ‘categorises’ should be replaced with the following spelling – categorizes –.

Appropriate corrections are required.

Claim Objections - 35 USC § 112 Sixth Paragraph

10. Claims 13 and 22 appear to be written as means-plus-function claims. However, the phrase "means for" is modified by sufficient structure, material or acts for achieving the specified function, and thus the examiner will not apply 35 U.S.C. 112, sixth paragraph until such modifying language is deleted from the claim limitation. See MPEP § 2181.

Claim Rejections - 35 USC § 112 Second Paragraph

11. Claim 25 recites the limitation "a method" but is dependant upon claim 22 which is a device claim. There is insufficient antecedent basis for this limitation in the claim. It is suggested that claim 25 be rewritten to be dependent on claim 23.
12. Claim 38 recites the limitation "a mobile terminal" but is dependant upon claim 32 which is a method claim. There is insufficient antecedent basis for this limitation in the claim. It is suggested that claim 38 be rewritten to be dependent on claim 33.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28, 33 and 35 are rejected under 35 U.S.C. 102(e) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1).

As per claim 28 Perkes discloses:

- ***A method of providing service selection data on a display:*** (Perkes, Page 1, Paragraphs [0012]-[0013], “In a further embodiment, visual objects associated with the media objects may be displayed to the user via the interface.”).
- ***receiving service identification data relating service components at a given frequency to services and relating services at the given frequency to service sets;*** (Perkes, Page 22, Paragraph [0269], “Further, the XPG may allow multiple processes to

occur simultaneously, and in some cases, to be combined (e.g. listening to a play list of music or an internet radio station while viewing the picture from a live TV broadcast, DVD, or previously recorded program.”), Perkes teaches receiving service identification data in a program guide relating services to service sets (services from one or more content providers bundled together).

- ***displaying the different service sets, services or service components.*** (Perkes, Page 6, Paragraph [0065], “This is a computer program, which collects the content data into a ticker type electronic programming guide format (“guide”), which enables the consumer to review, preview and otherwise customize the manner in which the guide displays the delivered content.”).

Claim 33 is the device claim corresponding to the method claim 28 and is rejected under the same reason set forth in connection of the rejection of claim 28.

As per claim 35, the rejection of claim 33 is incorporated. Claim 35 is the device claim corresponding to the method claim 28 and is rejected under the same reason set forth in connection of the rejection of claim 28.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5-10, 12, 14-18, 23-24, 29-32 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1) in view of Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1).

As per claim 1, Perkes discloses:

- ***A method of providing service selection at a mobile terminal:*** (Perkes, Page 1, Paragraphs [0012]-[0013], “In an embodiment of the present invention, the commands may include: browsing, selecting, previewing, purchasing, recording, collecting, sequencing and/or controlling the media objects.”).
- ***transmitting a plurality of services, each of the services comprising one or more service components, at least some of the service components having different media formats,*** (Perkes, Page 3, Paragraph [0037], “The appliance also allows for viewing of television programming, listening to streaming audio via speakers, viewing streaming video on a monitor and listening to CD-ROM or viewing DVD content from a CD-ROM/DVD player.”).
- ***generating service identification data relating service components to services on that channel;*** (Perkes, Figures 15-17, Page 4, Paragraph [0045] and Pages 7-8, Paragraphs [0077]-[0079], “Broadcast television and digital content, including but not limited to streaming video and music, DVD, audio CDs, Advertising Content and E-Commerce opportunities, are categorized into groups of varying degrees of refinement.”), Perkes teaches the relating of service components to services on a channel.

Perkes does not specifically disclose:

- ***the service components for a given service being transmitted in a time-sliced manner on a given channel;*** However, Bonomi in an analogous art discloses the above limitation. (Bonomi, FIG. 11A and Column 28, Lines 5-25, “The program guide area 1102 displays a program guide of the various channels and programs being offered as live assets by the media system. The programs are arranged in a grid-like fashion with rows pertaining to time slots and columns pertaining to channels.”).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to

transmit the service components of a given service in a time-sliced manner on a given channel. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

- ***repeatedly transmitting the service identification data on the channel;*** (Bonomi, FIG. 5C and 15C, Column 18, Lines 19-34 and Column 34, Lines 42-56, “As described above, the program guide 1540 is updated at the server side and may be downloaded at request or automatically at determinable times controlled by the media delivery center.”), Bonomi teaches a program guide which contains the service identification data on the channel that can be transmitted automatically.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to repeatedly transmit the service identification data on the channel. The modification would be obvious because one of ordinary skill in the art would want to update the program guide with newly received or changed information as soon as it occurs. (Bonomi, Column 18, Lines 43-67).

- ***repeatedly transmitting information relating to the timing of transmissions of the service identification data.*** (Bonomi, Column 18, Lines 53-67, “The program guide may be viewed as a tablet, if displayed, that lists many time slots, each is associated with a program to be broadcast as scheduled.”), Bonomi teaches a program guide which contains the timing of transmission of the service identification data that can be transmitted automatically (repeatedly).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to repeatedly transmit information relating the timing of transmissions of the service identification data. The modification would be obvious because one of ordinary skill in

the art would want to provide a user an easy and efficient way to notify users of newly received or changed information as soon as it occurs. (Bonomi, Column 18, Lines 43-67).

As per claim 2, the rejection of claim 1 is incorporated and further Perkes discloses:

- ***the generating service identification data step includes generating data identifying the media format of each service component.*** (Perkes, FIG. 13 and Page 18, Paragraphs [0228]-[0229], “In another embodiment, the metadata descriptor of a media object may include information relating to: name of the media object, duration of the media object, genre of the media object, creator of the media object, affinity and parent groups of the media object, other media objects associated and linked to media object, rules for combining the media object with other media objects, owner of the media object, and/or value of the media object”).

As per claim 5, the rejection of claim 1 is incorporated and further Bonomi discloses:

- ***transmitting the timing information in a network different to that used for the service identification data information transmitting step.*** (Bonomi, Figs. 1A-1B, Column 7, Lines 9-32 and Column 17, Lines 45-55), Bonomi discloses different networks including a wireless network which could be used to transmit the program guide containing the timing information to the mobile terminal.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to transmit the timing information in a network different to that used for the service identification data. The modification would be obvious because one of ordinary skill in the art would want to deliver different forms of media programs and services to subscribers from multiple sources without limiting the amount and type of content being offered. (Bonomi, Column 1, Lines 46-67 and Column 2, Lines 1-2).

As per claim 6, the rejection of claim 5 is incorporated and further Bonomi discloses:

- ***wherein the timing information transmitting step is performed in response to an enquiry from a mobile terminal.*** (Bonomi, FIG. 5C and 15C, Column 18, Lines 19-34 and Column 34, Lines 42-56, “As described above, the program guide 1540 is updated at the server side and may be downloaded at request or automatically at determinable times controlled by the media delivery center.”), Bonomi teaches a program guide which contains timing information that can be transmitted at the request of a mobile terminal.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to transmit timing information in response to an inquiry from the mobile terminal. The modification would be obvious because one of ordinary skill in the art would want to provide the mobile terminal with an updated program guide which contains current timing information when requested. (Bonomi, Column 18, Lines 43-67).

As per claim 7, the rejection of claim 6 is incorporated. Claim 7 is rejected under the same reasons as set forth in claims 5-6.

As per claim 8, the rejection of claim 1 is incorporated and further Perkes discloses:

- ***using the service identification data to generate a service guide for one or more services.*** (Perkes, Figs. 15-17, Pages 3-4, Paragraph [0042], “The guide, unlike traditional, single technology, linear guides, displays Cross Technology content opportunities, such as DVD, and CD, CD-Rom, broadcast TV streaming, near-on-demand and on-demand Video, Music, audio, games and any other media capable of being played or displayed on a computer, as well as Advertising Content and E-Commerce opportunities. The guide integrates these disparate technologies into one seamless, digital entertainment guide for all uses.”).

As per claim 9, the rejection of claim 1 is incorporated and further Perkes discloses:

- ***receiving the service identification data at a mobile terminal;*** (Perkes, FIG. 11, Pages 10-11, Paragraph [0129].), Perkes teaches that the guide containing the service identification data may be displayed on a computer (mobile terminal).
- ***at the mobile terminal, hierarchically arranging the services including the service components from the received service identification data.*** (Perkes, Figs. 15-17 and Page 6, Paragraphs [0065]-[0066], “For example, the consumer may choose to view the content displayed in the guide in a different format than the default format and may customize the guide by adding or subtracting categories or genres, and by bookmarking favorite content.”), Perkes teaches that the program guide containing the service identification data may be customized (arranged) by the user and presents drawings of the services and service components in hierarchical formats.

As per claim 10, Perkes discloses:

- ***A system for providing service selection at a mobile terminal, the system comprising:*** (Perkes, Page 1, Paragraph [0012]).
- ***means for transmitting service identification data relating service components on the channel to services;*** (Perkes, FIG. 11 and Pages 10-11, Paragraphs [0129] - [0130]).
- ***means for repeatedly transmitting the service identification data on the channel;*** (Perkes, FIG. 11 and Pages 10-11, Paragraphs [0129]-[0130]), Perkes discloses a system for transmitting service identification data which can be transmitted in a wireless network. It is obvious to one of ordinary skill in the art that the information may be sent more than once over the network.

Perkes does not specifically disclose:

- ***means for transmitting a plurality of services, each of the services comprising one or more service components, at least some of the service components having different media formats;*** However, Bonomi in an analogous art discloses the

above limitation. (Bonomi, FIG. 3A and Column 1, Lines 21-24, Column 11, Lines 14-53).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to transmit a plurality of services having different media formats. The modification would be obvious because one of ordinary skill in the art would want to deliver different forms of media programs and services to subscribers from multiple sources without limiting the amount and type of content being offered. (Bonomi, Column 1, Lines 46-67 and Column 2, Lines 1-2).

- ***the service components for a given service being transmitted in a time-sliced manner on a given channel;*** (Bonomi, FIG. 11A and Column 28, Lines 5-25, "The program guide area 1102 displays a program guide of the various channels and programs being offered as live assets by the media system. The programs are arranged in a grid-like fashion with rows pertaining to time slots and columns pertaining to channels.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to transmit the service components of a given service in a time-sliced manner on a given channel. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

- ***means for repeatedly, transmitting information relating to the timing of transmissions of the service identification data;*** (Bonomi, Column 1, Lines 21-24 and Column 18, Lines 53-67), Bonomi teaches a system capable of automatically (repeatedly) sending timing information of transmissions of the service identification data over a network.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the system of Paila to repeatedly transmit information relating the timing of transmissions of the service identification data. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to notify users of newly received or changed information as soon as it occurs. (Bonomi, Column 18, Lines 43-67).

- ***whereby a mobile terminal can use the timing information to tune to an appropriate channel at an appropriate time to decode service identification data relating to a required service and subsequently obtain required service components thereof.*** (Bonomi, FIGS. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25), Bonomi teaches a program guide containing timing information and users using the program guide to tune to an appropriate channel.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the system of Paila to use the timing information to tune to an appropriate channel at an appropriate time to obtain the service components. The modification would be obvious because one of ordinary skill in the art would want to provide a way that would allow a user to select available content while it is available. (Bonomi, Column 28, Lines 5-25).

As per claim 12, the rejection of claim 10 is incorporated. Claim 12 is the system claim corresponding to the method claim 2 and is rejected under the same reason set forth in connection of the rejection of claim 2.

As per claim 14, the rejection of claim 10 is incorporated. Claim 14 is the system claim corresponding to the method claim 5 and is rejected under the same reason set forth in connection of the rejection of claim 5.

As per claim 15, the rejection of claim 14 is incorporated. Claim 15 is the system claim corresponding to the method claim 6 and is rejected under the same reason set forth in connection of the rejection of claim 6.

As per claim 16, the rejection of claim 15 is incorporated. Claim 16 is the system claim corresponding to the method claim 7 and is rejected under the same reason set forth in connection of the rejection of claim 7.

As per claim 17, the rejection of claim 10 is incorporated. Claim 17 is the system claim corresponding to the method claim 8 and is rejected under the same reason set forth in connection of the rejection of claim 8.

As per claim 18, the rejection of claim 10 is incorporated. Claim 18 is the system claim corresponding to the method claim 9 and is rejected under the same reason set forth in connection of the rejection of claim 9.

As per claim 23, Perkes discloses:

- ***A method of operating a mobile terminal, comprising:*** (Perkes, FIG. 11 and Page 10, Paragraph [0129]).

Perkes does not specifically disclose:

- ***receiving at least one repeated transmission of information relating to the timing of transmissions of service identification data;*** However, Bonomi in an analogous art discloses the above limitation. (Bonomi, Column 18, Lines 53-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to repeatedly transmit information relating the timing of transmissions of the service identification data. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to notify users of newly received or changed information as soon as it occurs. (Bonomi, Column 18, Lines 43-67).

- ***using the timing information to tune to an appropriate channel at an appropriate time to decode service identification data, the service identification data relating service components at the frequency to services;*** (Bonomi, FIGS. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the system of Paila to use the timing information to tune to an appropriate channel at an appropriate time to obtain the service components. The modification would be obvious because one of ordinary skill in the art would want to provide a way that would allow a user to select available content while it is available. (Bonomi, Column 28, Lines 5-25).

- ***subsequently obtaining, from service components transmitted in a time- sliced manner on the channel, required service components of a service.*** (Bonomi, FIG. 11A, Column 18, Lines 53-67, Column 19, Lines 1-14 and Column 28, Lines 5-25.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the apparatus of Perkes to provide a means for obtaining service components of a service. The modification would be obvious because one of ordinary skill in the art would want to provide a subscriber with an easy and efficient means to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

As per claim 24, the rejection of claim 23 is incorporated and further Perkes discloses:

- ***in which the service identification data relates service components on the channel to services.*** (Perkes, Figures 15-17, Page 4, Paragraph [0045] and Pages 7-8, Paragraphs [0077]-[0079]).

As per claim 29, the rejection of claim 23 is incorporated and further Perkes discloses:

- ***the arranging step comprises using data items describing the various service components for categorising received content items.*** (Perkes, Page 6, Paragraphs [0062]-[0063] and [0065]-[0066], "In the process of the selection of content to be delivered, the Content Manager collects certain data regarding the content ("content data"), including but not limited to the type of content, category or genre, content title and other details, such as principal performers, run time and content provider").

As per claim 30, the rejection of claim 29 is incorporated and further Perkes discloses:

- ***the content items are categorised according to content type.*** (Perkes, Page 6, Paragraphs [0062]-[0063] and [0065]-[0066], "For instance, instead of the priority, or order, in which The Delivery Scheduler function delivers the content, the consumer may want to see all movies displayed first, or all audio selections displayed first.").

As per claim 31, the rejection of claim 23 is incorporated and further Perkes discloses:

- ***arranging the services in an order according to their timing.*** (Perkes, Page 6, Paragraphs [0062]-[0063] and [0065]-[0066], "In the process of the selection of content to be delivered, the Content Manager collects certain data regarding the content ("content data"), including but not limited to the type of content, category or genre, content title and other details, such as principal performers, run time and content provider").

As per claim 32, the rejection of claim 23 is incorporated and further Perkes discloses:

- ***A method of receiving a content item, comprising:*** (Perkes, Abstract).

- ***providing service selection data using the method of claim 23;*** (Perkes, Page 1, Paragraphs [0012]-[0013]).

Perkes does not specifically disclose:

- ***following selection of a displayed service set, service or service component, tuning to the correct channel at the appropriate time when the selected service set, service or service component is being transmitted.*** However, Bonomi in an analogous art discloses the above limitation. (Bonomi, FIGS. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25), Bonomi teaches a program guide containing timing information and users using the program guide to tune to an appropriate channel.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the system of Paila to use the timing information to tune to an appropriate channel at an appropriate time to obtain the service components. The modification would be obvious because one of ordinary skill in the art would want to provide a way that would allow a user to select available content while it is available. (Bonomi, Column 28, Lines 5-25).

As per claim 36, the rejection of claim 33 is incorporated. Claim 36 is the device claim corresponding to the method claim 29 and is rejected under the same reason set forth in connection of the rejection of claim 29.

As per claim 37, the rejection of claim 36 is incorporated. Claim 37 is the device claim corresponding to the method claim 30 and is rejected under the same reason set forth in connection of the rejection of claim 30.

As per claim 38, the rejection of claim 32 is incorporated. Claim 38 is rejected under the same reasons as set forth in claim 32.

As per claim 39, the rejection of claim 33 is incorporated. Claim 39 is the device claim corresponding to the method claim 32 and is rejected under the same reason set forth in connection of the rejection of claim 32.

Claims 3-4, 11, 13, 26-27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1) in view of Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1) and in further view of Paila (US Patent Publication No. 2003/0096614).

As per claim 3, the rejection of claim 1 is incorporated; however, neither Perkes nor Bonomi disclose:

- ***the channel is at a given frequency.*** However, Paila in an analogous art discloses the above limitation. (Paila, Page 1, Paragraph [0004], “A channel may be a frequency, a program identifier (“PIED”), a media access control (“MAC”) address, or the like.”).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the method of Perkes and Bonomi to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications frequency from a plurality of communications frequencies within a network. (Paila, Page 2, Paragraph [0015]).

As per claim 4, the rejection of claim 3 is incorporated. Claim 4 is rejected under the same reasons as set forth in claims 1-3.

As per claim 11, the rejection of claim 10 is incorporated. Claim 11 is the system claim corresponding to the method claim 3 and is rejected under the same reason set forth in connection of the rejection of claim 3.

As per claim 13, the rejection of claim 10 is incorporated. Claim 13 is the system claim corresponding to the method claims 1-2 and is rejected under the same reasons set forth in connection of the rejection of claims 1-2.

As per claim 26, the rejection of claim 23 is incorporated and further Paila discloses:

- ***wherein using the timing information comprises using the timing information to tune to an appropriate frequency at an appropriate time to decode service identification data, the service identification data relating service components at the frequency to services*** (Paila, Page 1, Paragraph [0004] and Pages 3-4, Paragraph [0032]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the method of Perkes and Bonomi to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications frequency from a plurality of communications frequencies within a network. (Paila, Page 2, Paragraph [0015]).

Paila does not specifically disclose:

- ***identifying the media format of each service component;*** However, Bonomi in an analogous art discloses the above limitation. (Bonomi, FIG. 11A and Column 28, Lines 5-25.”).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to transmit the service components of a given service in a time-sliced manner on a given channel. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

- ***the step of subsequently obtaining required service components of a service comprises obtaining the required service components of a service from service components transmitted in a time-sliced manner at the given frequency.*** (Bonomi, FIG. 11A, Column 18, Lines 53-67, Column 19, Lines 1-14 and Column 28, Lines 5-25.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the apparatus of Perkes to provide a means for obtaining service components of a service. The modification would be obvious because one of ordinary skill in the art would want to provide a subscriber with an easy and efficient means to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

As per claim 27, the rejection of claim 26 is incorporated and further Perkes discloses:

- ***using the service identification data to generate a service guide for one or more services.*** (Perkes, Figs. 15-17, Pages 3-4, Paragraph [0042]).

As per claim 34, the rejection of claim 33 is incorporated. Claim 34 is the device claim corresponding to the method claim 3 and is rejected under the same reason set forth in connection of the rejection of claim 3.

Claims 19-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1) in view of Paila (US Patent Publication No. 2003/0096614) and in further view of Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1).

As per claim 19, Perkes discloses:

- ***A mobile terminal, comprising:*** (Perkes, FIG. 11, Page 10, Paragraph [0129]).
- ***means for using the timing information to tune to an appropriate channel at an appropriate time to decode service identification data, the service identification***

data relating service components on the channel to services; (Perkes, Page 6, Paragraph [0067]).

However, Perkes does not specifically disclose:

- ***means for receiving at least one repeated transmission of information relating to the timing of transmissions of service identification data;*** However, Paila in an analogous art discloses the above limitation. (Paila, FIG. 7, and Pages 3-4, Paragraphs [0032]-[0033]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the apparatus of Perkes to provide a means for receiving at repeated transmission of information. The modification would be obvious because one of ordinary skill in the art would want to provide a subscriber with a means for receiving service announcements over a multi-bearer network. (Paila, Page 4, Paragraph [0033]).

Neither, Perkes nor Paila specifically disclose:

- ***means for subsequently obtaining, from service components transmitted in a time-sliced manner on the channel, required service components of a service.***

However, Bonomi in an analogous art discloses the above limitation. (Bonomi, FIG. 11A, Column 18, Lines 53-67, Column 19, Lines 1-14 and Column 28, Lines 5-25.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the apparatus of Perkes to provide a means for obtaining service components of a service. The modification would be obvious because one of ordinary skill in the art would want to provide a subscriber with an easy and efficient means to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

As per claim 20, the rejection of claim 19 is incorporated and further Perkes discloses:

- ***the service identification data relates service components on the channel to services.*** (Perkes, Figures 15-17, Page 4, Paragraph [0045] and Pages 7-8, Paragraphs [0077]-[0079], “Broadcast television and digital content, including but not limited to streaming video and music, DVD, audio CDs, Advertising Content and E-Commerce opportunities, are categorized into groups of varying degrees of refinement.”), Perkes teaches a mobile device capable of receiving a guide which contains service identification data that relates service components to services on a channel.

As per claim 21, the rejection of claim 20 is incorporated and further Paila discloses:

- ***in which the channel is at a given frequency.*** (Paila, Page 1, Paragraph [0004]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the method of Perkes and Bonomi to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications frequency from a plurality of communications frequencies within a network. (Paila, Page 2, Paragraph [0015]).

As per claim 22, the rejection of claim 19 is incorporated and further Paila discloses:

- ***wherein the means for using the timing information to tune comprises means for using the timing information to tune to an appropriate frequency at an appropriate time to decode service identification data, the service identification data relating service components at the frequency to services;*** (Paila, Page 1, Paragraph [0004] and Pages 3-4, Paragraph [0032]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the method of Perkes and Bonomi to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications

frequency from a plurality of communications frequencies within a network. (Paila, Page 2, Paragraph [0015]).

Paila does not specifically disclose:

- ***identifying the media format of each service component;*** However, Bonomi in an analogous art discloses the above limitation. (Bonomi, FIG. 11A and Column 28, Lines 5-25.”).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the method of Perkes to transmit the service components of a given service in a time-sliced manner on a given channel. The modification would be obvious because one of ordinary skill in the art would want to provide a user an easy and efficient way to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

- ***wherein the means for subsequently obtaining the required service components of a service comprises means for obtaining the service components from service components transmitted in a time-sliced manner at the given frequency*** (Bonomi, FIG. 11A, Column 18, Lines 53-67, Column 19, Lines 1-14 and Column 28, Lines 5-25.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the apparatus of Perkes to provide a means for obtaining service components of a service. The modification would be obvious because one of ordinary skill in the art would want to provide a subscriber with a an easy and efficient means to examine their program guide with respect to their interests and available services. (Bonomi, Column 18, Lines 6-18).

As per claim 25, the rejection of claim 22 is incorporated. Claim 25 is rejected under the same reasons as set forth in claim 21.

15. The prior art not relied upon but considered pertinent to applicant's disclosure is made of record and listed on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANGELA T. CHAMBERS whose telephone number is (571)270-3168. The examiner can normally be reached on Monday to Thursday, 8:30am-6pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chamei Das can be reached on 571-270-1392. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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